

Docket No. 97-2027-D

REMARKS

Claims 1-17 are pending in the present application. Claims 1-6 have been withdrawn from consideration, claims 7, 9, 10, 13 and 15 have been amended, leaving Claims 7-17 for consideration upon entry of the present Amendment.

The Specification has been amended as discussed below. Support for the amendment to Claim 7 with regard to fiber orientation can be found on page 12, lines 5-7. No new matter has been introduced by these amendments.

Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Objection to the Specification

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner has objected to the terms first polymeric matrix and second polymeric matrix. The specification as filed states on page 20, lines 10-11, "In one embodiment the randomly dispersed short fiber filled veneer is used to form a pontic or like structure on top or around the framework." Thus it is clear that the terminology describing veneer materials applies to pontics. On page 13 at lines 10-12 the specification discusses polymeric matrices suitable for use in the veneers and the structural component (FRC framework). One of ordinary skill in the art would readily understand upon reading the specification that there are two polymeric matrices, one for the structural component and one for the veneer (pontic) and the two polymeric matrices could chemically be the same or different. However, out of an abundance of caution, Applicants have amended the specification to more explicitly state this fact.

Additionally the Examiner has objected to the specification as not providing antecedent basis for Claims 9 and 12. With regard to Claim 9, Applicants respectfully point out that on page 15, lines 17-18, the specification teaches with regard to the veneer

Applicants respectfully point out that on page 5, lines 5-8, the specification teaches "The

Docket No. 97-2027-D

veneer may be a "brittle" veneer of particulate filled composite having a strain to failure value less than that of the fiber reinforced framework and/or a "soft" veneer of particulate filled composite having a strain to failure value greater than that of the fiber reinforced framework." In light of the foregoing teachings of the specification Applicants respectfully request withdrawal of the objections to the specification.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 7-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, Claim 7 apparently stands rejected because the Examiner alleges that it is not known whether the first and second polymeric matrices have the same or different chemical composition. Applicants have amended Claim 7 for better clarity. Claims 13 and 15 stand rejected for the employment of improper Markush language. Applicants have amended Claims 13 and 15 to use correct Markush language.

Double Patenting

Claims 16 and 17 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 24-31 of U.S. Patent No. 6,039,569. Claims 7-15 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 24-25 of U.S. Patent No. 6,186,790 in view of U.S. Patent No. 6,039,569. Claims 7-15 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,200,136. Applicants will provide the appropriate Terminal Disclaimers, if still required, upon resolution of all other rejections and objections.

Anticipation

Claims 7-15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,171,147 to Burgess. In making the rejection the Examiner has

Docket No. 97-2027-D

asserted that since Burgess discloses a one-piece bridge-pontic the instantly claimed two piece bridge-pontic is obvious. Applicants respectfully traverse this rejection.

Burgess discloses a one piece bridge-pontic made of a single composite material comprising a resin matrix and inorganic fillers. In contrast the pending claims are directed to a dental restoration comprising two composite materials, a fiber-reinforced structural component having fibers embedded within a first polymeric matrix material that are at least partially aligned relative to each other and a pontic disposed on the structural component, the pontic having randomly dispersed fibers embedded within a second polymeric matrix material. Applicants respectfully assert that a dental restoration comprising of two composite materials cannot be obvious in view of a reference that only discloses a single composite material.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Because Burgess does not disclose the use of two composite materials in a bridge-pontic, the Examiner has not met the burden of establishing a prima facie case of obviousness.

Docket No. 97-2027-D

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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